UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,376	11/19/2003	Richard C. Fickle	505,807-058	9538

8791 7590 10/01/2008

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER	
HUYNH, SON P	

ART UNIT	PAPER NUMBER
2623	

MAIL DATE	DELIVERY MODE
10/01/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/718,376	FICKLE ET AL.	
	Examiner	Art Unit	
	SON P. HUYNH	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *03* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 June 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-55* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-55* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-55 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 45,50 are objected to because of the following informalities:

Claims 45 and 50, line 3, recite "package metadata." should be replaced as -- package metadata; --

. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 20-21, 25-29, 33-34, 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Sim et al. (US 2002/0078174 A1).

Regarding claim 20, Sim discloses a method comprising:

receiving a plurality of multimedia asset data files from a plurality of content providers (paragraphs 0076, 0094, 0111, figure 5);

receiving metadata associated with a multimedia asset data file provided by at least one of a content provider and a plurality of ("MSO") (receiving metadata associated with large file (e.g., video) provided by content provider and a multimedia service or content management server (CMS), the large file/asset of large file - see include, but are not limited to, paragraphs 0076-0077, 0080, 0082, 0102, 0166, 0206-0213);

receiving business rules provided by the MSO, the business rules corresponding to the multimedia asset data file and being identified with particular MSOs (see include, but are not limited to, paragraphs 0186-0204);

coordinating uploading the multimedia asset data file to a video on demand (VOD) server maintained by the MSO using an asset locator assigned to each multimedia asset data file (see include, but are not limited to, figures 5-6, 13-14, paragraphs 0108-0111, 0204-0213);

tracking uploading the multimedia asset data file (tracking uploading asset of large file from content provider to CMS and from CMS/distribution server to other

distribution server/edge server using metadata and "ack"/notification – see include, but are not limited to, figures 5-6, 13-14, paragraphs 0102-0111, 0204).

Regarding claim 21, Sim teaches the method as discussed in the rejection of claim 20. Sim further discloses validating the multimedia asset data file and determining if the associated metadata comply with business rule provided by the MOSs (validating asset of large file and associated metadata according to agreement, policy, or content provider account information, etc. provided by CMSs, service provider, see include, but are not limited to, 0186-0191, 0207-0213);

Regarding claim 25, Sim discloses a method comprising:

ingesting content and metadata associated with the content provided by a content provider (see include, but are not limited to, paragraphs 0094, 0102, 0111, 0204-0214, figure 5);

coordinating distribution of the metadata and the content (see include, but are not limited to, paragraphs 0108, 0231-0232);

coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by a multiple service or system operator (MSO) (coordinating uploading of asset data file of large file (e.g., video) and associated metadata to CMS/DS for delivery to end user according to schedule and agreement/policy provided by CMS/DS – see include, but are not limited to, figures 5-6, 13-14, paragraphs 0108-0111, 0186-0191, 0204-0213).

Regarding claim 26, Sim further discloses providing visibility into usage of the content (e.g., monitor usage information of the content, or determining most frequent accessed content, etc. - see include, but are not limited to, paragraphs 0188, 0190-0191, 0197-0202, 0217, 0253).

Regarding claim 27, Sim further discloses registering the content (see include, but are not limited to, paragraphs 0082, 0094, 0102, 0166);

coordinating accessing the content located in one or the internal location and external location (e.g., using load balancing/router, etc. - see include, but are not limited to, figures 13-20).

Regarding claim 28, Sim further discloses assigning a provider identifier to the content provider (see include, but are not limited to, paragraphs 0204-0214);

assigning a global unique identifier to the content based on the provider identifier and a provider asset identifier (e.g., assigning file name, addresses, ID, etc. to the content file based on the provider ID and provider file ID - see include, but are not limited to, 0108, 0172, 0209-0213, figure 6).

Regarding claim 29, Sim further discloses receiving the business rules from the MSO (see discussion in the rejection of claim 20);

validating the metadata and the content using the business rules (see similar discussion in the rejection of claim 21).

Regarding claim 33, Sim further discloses interacting with an asset distribution system (e.g., CMS and DS) to facilitate delivery of the content from a content provider to the MSO, the ADS including a pitcher and a catcher (e.g., pitcher for providing content to the DS and/or edge server and catcher for receiving content from content provider and/or another DS - see include, but are not limited to, paragraphs 0082, 0094, 0186, figures 3-7).

Regarding claim 34, Sim further discloses receiving information regarding when a transmission of an element of the content is initiated from the pitcher (see include, but are not limited to, paragraphs 0094-0098, 0102, 0109, 0213);
requesting retransmission of the content if an alarm is received from the catcher (e.g., request for missing or destroyed file if an alarm, notification or error, etc. is received from the receiver of distribution server/edge server - see include, but are not limited to, paragraphs 0166-0167, 0190, 0204);
tracking a request from a server to release the content received by the catcher (see include, but are not limited to, paragraphs 0166-0167, 0213, 0238).

Regarding claim 38, Sim further discloses preparing a usage report (e.g., usage information, history log, etc. – see include, but are not limited to, paragraphs 0267, 0269);

providing access to the usage report to a multiple service or system operator or a content provider (see include, but are not limited to, paragraphs 0186, 0267).

Regarding claim 39, Sim further discloses creating a master reporting database including usage information from across a MSO network (e.g., usage information, history information in CMS - see include, but are not limited to, paragraphs 0267, 0269).

Regarding claim 40, Sim further discloses exporting the usage report to an analysis system (e.g., providing usage information, history information, statistic information to CMS and/or content provider for analyzing usage of the content including less likely accessed file, most frequently accessed file, etc. – paragraphs 0253, 0261, 0265-0269).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-19, 22-24, 30-32, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim et al. (US 2002/0078174 A1) in view of Ellis et al. (US 2003/0020744 A1 - hereinafter referred to as E744).

Note: US 2003/0149988 (referred to as E988) and US 20050149964 (referred to as Thomas) are incorporated by references in their entirety in E744 (see E744: paragraphs 0104, 0108). All application/patents incorporated by references in E744 in their entirety are treated as portion of the specification of E744.

Regarding claim 1, Sim discloses a method comprising:

receiving metadata associated with a multimedia asset data file provided by at least one of a content provider and a multimedia service or system operator ("MSO"), the multimedia asset date file being delivered to end users upon requested (receiving metadata associated with large file (e.g., video) provided by content provider and a multimedia service or content management server (CMS), the large file/asset of large file is then provided to the end users upon request - see include, but are not limited to, paragraphs 0076-0077, 0080, 0082, 0102, 0166, 0206-0213);

validating the multimedia asset data file and the associated metadata by determining if the multimedia asset file and the associated metadata comply with business rule provided by the MOS (validating asset of large file and associated metadata according to agreement, policy, or content provider account information, etc. provided by CMS, service provider, see include, but are not limited to, 0186-0191, 0207-0213);

coordinating delivering the multimedia asset data file and associated metadata to a video on demand (VOD) server maintained by the MSO (coordinating delivering of asset data file of large file (e.g., video) and associated metadata to distribution servers for providing to user upon request – see include, but are not limited to, figures 5-6, 13-14, paragraphs 0108-0111), wherein coordinating delivering comprises tracking distributing the multimedia asset data file from the content provider to the MSO, and tracking uploading the multimedia asset data file from the MSO to the VOD server (tracking delivering asset of large file from content provider to CMS and from CMS/distribution server to other distribution server/edge server using metadata and "ack"/notification – see include, but are not limited to, figures 5-6, 13-14, paragraphs 0102-0111, 0204).

Sim further discloses providing usage information relating usage of multimedia asset data file such as most frequently accessed files, usage information, etc. (see include, but are not limited to, paragraphs 0188, 0190-0191, 0197-0202, 0217, 0253). However, Sim does not explicitly disclose usage reports relating to usage of multimedia asset files by end users of the MSO.

E744 discloses providing usage reports relating to usage of multimedia asset data files by end user of the MSO (providing usage reports or viewing history relating to usage of video/television program, etc. by end user of user television equipment of the television distribution facility - see include, but are not limited to, paragraphs 0107-0108, 0125-0126; Thomas: paragraphs 0070-0075). Therefore, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Sim with the teaching as taught by E744 in order to generate viewing recommendation, target advertising to the user (see abstract, paragraph 0010).

Regarding claim 2, Sim in view of E744 discloses the method as discussed in the rejection of claim 1. Sim further discloses the metadata are provided by at least one of the plurality of content providers and a plurality of MSOs (see include, but are not limited to, paragraphs 0212-0217).

Regarding claim 3, Sim in view of E744 discloses the method as discussed in the rejection of claim 1. Sim further discloses tracking distributing comprises: tracking receipt (e.g, "ack"/notification) of the multimedia asset data file in elements, the elements comprises at least one of a feature file, a preview file, a graphic file, and associated basis metadata, wherein the associated basic metadata comprises information on the elements used to confirm delivery of the elements (see include, but are not limited to, paragraphs 0094-0097, 0102, 0104, 0108-0111, 0166, 0204, 0209-0217);

Sim in view of E744 further discloses receiving an identification of the MSOs scheduled to receive the multimedia asset data file from the content provider, and receiving delivery dates for delivery of the multimedia asset data file to each of the MSOS (see include, but are not limited to, Sim: paragraphs 0094-0095, 0102, 0108-0109, 0134, 0186, 0211-0213, 0238; E744: figures 6-8c, paragraph 0039); and

receiving delivery dates for delivery of the multimedia asset data file to each of the MSOs (see include, but are not limited to, Sim: paragraphs 0094-0095, 0102, 0108-0109, 0134, 0186, 0211-0213, 0238; E744: figures 6-8c, paragraph 0039).

Regarding claim 4, Sim in view of E744 discloses the method as discussed in the rejection of claim 1. Sim in view of E744 further discloses tracking distributing comprises tracking distributing using a delivery group, the delivery group comprises a plurality of multimedia asset data file (tracking delivery of video/large file comprises portions of the large file - see include, but are not limited to, Sim paragraphs 0094-0097, 0102, 0104, 0108-0111, 0166, 0204, 0209-0217).

Regarding claim 5, Sim in view of E744 discloses the method as discussed in the rejection of claim 1. Sim in view of E744 further discloses tracking distributing comprises:

registering the multimedia asset data file in order to identify the file, wherein registering the multimedia file comprises:

assigning a provider identifier to the content provider, and assigning a unique identifier to the multimedia asset data file provided by the content provider based upon the provider identifier and a provider asset identification, the provider asset identification being included with the multimedia asset data by the content provider (see include, but are not limited to, Sim: paragraphs: 0094, 0166-0167, 0204-0217).

Regarding claim 6, Sim in view of E744 discloses the method as discussed in the rejection of claim 1. Sim in view of E744 further discloses the tracking receipt comprises: staging the multimedia asset data file by entering a name for the multimedia asset data file into a staging directory (see include, but are not limited to, Sim: paragraphs 0204-0217; E744: figures 6-8c);

providing a master markup language file (file for metadata, large file, or video program), the master markup language file comprising distribution information, scheduling information, content information, and an identification for the multimedia asset data file, wherein the content information comprises data to enable retrieval of a plurality of elements to assemble the multimedia asset data file (see include, but are not limited to, Sim: paragraphs 0076-0082, 0092-0095, 0108-0111, 0166, 0204-0217, 0231-0243, 0264-0267; E744: figures 6-8c).

Regarding claim 7, Sim in view of E744 discloses the method as discussed in the rejection of claim 6. Sim in view of E744 further discloses the elements used to assemble the multimedia asset data file comprises a movie or feature file, a preview file, and a graphic file (e.g., movie - see include, but are not limited to, Sim: paragraphs 115, 121, 148).

Regarding claim 8, Sim in view of E744 discloses the method as discussed in the rejection of claim 1. Sim in view of E744 further discloses tracking transmission a plurality of elements of the multimedia asset data file to the MSO using a pitcher

appliance (e.g., MSM, or root distribution server - see include, but are not limited to, Sim: figures 4-6, paragraphs 0094-0095, 0109, 0204-0211);

tracking receipt of the elements of the multimedia asset data file using a catcher applicant (e.g., distribution server or edge server - see include, but are not limited to, Sim: figures 4-6, paragraphs 0106, 0110, 0111, 0077, 0094, 0166);

receiving an alarm if one of the elements of the multimedia asset data file is not successfully received by the catcher application (e.g., receiving error, notification, or any information indicates the portion is not received/missing at the distribution server/edge server - see include, but are not limited to, paragraphs 0204, 0166).

Regarding claim 9, Sim in view of E744 discloses the method as discussed in the rejection of claim 1. Sim in view of E744 further discloses providing an asset locator identifying the multimedia asset data file to the VOD server (providing asset locator identifying the multimedia asset file to the distribution server/edge server – see include, but are not limited to, Sim: figures 15-18c, paragraphs 0166, 0206, 0209-0213, 0231-0232);

providing a schedule to the VOD server comprising instruction for the VOD server to request the multimedia asset data file from a catcher and the metadata, and tracking retrieval of the multimedia asset data file and associated metadata by initiating file transfers using the asset locator (see include, but are not limited to, Sim: figures 15-18c, paragraphs 0166, 0209-0213, 0231-0232, 0238-0244, 0253; E744: figures 21-24).

Regarding claim 10, Sim in view of E744 discloses the method as discussed in the rejection of claim 9. Sim in view of E744 further discloses using file transfer protocol (FTP) transfer (Sim: paragraphs 0081, 0115; E744: paragraph 0049).

Regarding claim 11, Sim in view of E744 discloses the method as discussed in the rejection of claim 1. Sim in view of E744 further discloses providing an asset locator identifying an element of the multimedia asset data file to the VOD server, the VOD server submitting the asset locator to a catcher appliance (e.g., providing data file locator/identifier in metadata to the CMS, or root DS, the CMS, or root DS submits the data file locator/identifier to a another distribution server/edge server - see include, but are not limited to, figures 3-7, 13-14, paragraphs 0094, 0166, 0207-0214, 0231-0232; E744: figures 6-8c);

tracking transmission of the element from the catcher appliance to the VOD server using the asset locator to retrieve the element (tracking transmission of the file from the CMS or distribution server to another DS or edge server using asset locator/identifier to retrieve the file - see include, but are not limited to, figures 3-7, 13-14, paragraphs 0094, 0116, 0207-0214, 0231-0232).

Regarding claim 12, Sim in view of E744 discloses the method as discussed in the rejection of claim 11. Sim in view of E744 further discloses receiving an alarm from the VOD server if the element is not properly received (see similar discussion in the rejection of claim 8).

Regarding claim 13, Sim in view of E744 discloses the method as discussed in the rejection of claim 12. Sim further discloses performing a follow up or diagnosis upon receiving the alarm indicating that the element is not properly received (e.g., in response to receiving notification, error, missing information, retransmitting or retrieving the file that is missing at the distribution server/edge server - see include, but are not to, paragraphs 0109-0111, 0166-0167, 0116-0117, 0231-0232).

Regarding claim 14, Sim in view of E744 discloses the method as discussed in the rejection of claim 9. Sim further discloses URL applies to all the servers (paragraph 0018). It would have been obvious to one of ordinary skill in the art to incorporate asset locator is asset URL in Sim in order to retrieve the asset from the Internet.

Regarding claim 15, Sim in view of E744 discloses the method as discussed in the rejection of claim 1. E744 further discloses receiving from the VOD server data on feature elements requested by end users of the MSO (e.g., receiving from node/television distribution facility viewing history, content requested by the users - see include, but are not limited to, paragraphs 0107-0108, 0125-0126; Thomas, paragraphs 0070-0075);

creating a master reporting database using the data on feature elements requested by end user (creating reporting database/ preferences profile database using

viewing information/program watched by end users - see include, but are not limited to, par. 0107-0108, 0125-0126; Thomas: paragraphs 0070-0075);

generating a usage report using the data contained in the master reporting database (see include, but are not limited to, par. 0107-0108, 0125-0126; Thomas: paragraphs 0070-0075).

Regarding claim 16, Sim in view of E744 discloses the method as discussed in the rejection of claim 15. E744 further discloses creating a master reporting database as discussed in the rejection of claim 15. However, E744 does not explicitly disclose restrict access the data contained in the master reporting database using business rule by the MSO. Official Notice is taken that restrict accessing by content provider to a database using a business rule provided by service provider/MSO is well-known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sim in view of E744 with the well-known teaching in the art in order to yield predictable results such as to improve security for database access.

Regarding claim 17, Sim in view of E744 discloses the method as discussed in the rejection of claim 15. E744 further discloses providing usage reports comprises: analyzing the usage report to determine end user viewing characteristics (see include, but are not limited to, par. 0107-0108, 0125-0126; Thomas, par. 0070-0075); and

generating an advertising play list targeted to an end user based upon the viewing characteristic of the end user, wherein the advertising play list comprises advertising selected based upon the viewing characteristics of the end user (see include, but are not limited to, figures 19-23, para. 0009-0010, 0107-0109, 0111-0112, Thomas, figures 1-12).

Regarding claim 18, Sim in view of E744 discloses the method as discussed in the rejection of claim 17. E744 further discloses providing usage reports comprises: supplementing a multimedia asset data file with data contained in the usage report, wherein the usage report comprises usage data for the multimedia asset data file (see include, but are not limited to, paragraphs 0107-0112; Thomas, figures 1-12, paragraphs 0070-0075).

Regarding claim 19, Sim in view of E744 discloses the method as discussed in the rejection of claim 15. E744 further discloses providing usage reports comprises:

analyzing the usage report to determine end user viewing characteristics (see include, but are not limited to, paragraphs 0107-0112, Thomas, paragraphs 0070-0075);

selecting multimedia asset data file based upon end user viewing characteristics (see include, but are not limited to, paragraphs 0107-0112, Thomas: paragraphs 0070-0075);

performing a campaign management function chosen from the group consisting of bundling selected multimedia asset data file, setting pricing for selected multimedia

asset data files, and setting promotions for selected multimedia asset data file (e.g., setting preview for future program, target advertisement, etc. - see include, but are not limited to, paragraphs 0107-0112; Thomas, figures 1-12).

Regarding claim 22, Sim discloses the method as discussed in the rejection of claim 20. Sim further discloses coordinating uploading the associated metadata for the multimedia asset data file to the VOD servers (coordinating uploading associated file metadata for content file to the CMS and/or distribution server (DS) – see include, but are not limited to, paragraphs 0102, 0104, 0209, 0213);

distributing file metadata and other information to each DS, edge server - see include, but are not limited to, figures 5-6, paragraphs 0209-0213, 0231-0232, 0238) and updating the metadata and other information cached/stored in distribution server/edge server (see include, but are not limited to, paragraphs 0238, 0166, 0238). However, Sim does not explicitly disclose a localized master schedule and providing a schedule update to each MSO at regular intervals.

E744 discloses distributing a localized master schedule to each MSO (distributing a program guide schedule according to geographic and/or local information to each of the television distribution facility/head end – see include, but are not limited to, figures 1-2c, paragraphs 0006-0007);

providing a schedule update to each MSO at regular interval (updating program guide schedule periodically - see include, but are not limited to, Thomas: paragraph 0035; E988: paragraph 0012). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Sim with the teaching as taught by E744 in order to yield predictable results such as to allowing the user to select/schedule a program to be view easily.

Regarding claim 23, Sim in view of E744 discloses the method as discussed in the rejection of claim 22. Sim in view of E744 further discloses tracking uploading the multimedia asset data files and the associated metadata to the VOD servers by reference to each MSO's localized master schedule (see include, but are not limited to, E744: paragraphs 0107-0108, 125-126).

Regarding claim 24, Sim in view of E744 discloses the method as discussed in the rejection of claim 22. Sim in view of E744 further discloses each schedule update comprises instructions for inserting and deleting multimedia asset data files from each MSO's localized master schedule (see include, but are not limited to, Sim: paragraphs 0186-0189, 0166-0167, 0238; E744: paragraphs 0107-0108, 0125-0126: Thomas, paragraph 0035, 0070-0075: E988: paragraph 0012).

Regarding claim 30, Sim discloses the method as discussed in the rejection of claim 29. However, Sim does not explicitly disclose business rules including at least one of a rating filter, a pricing rule, a category rule, and a platform conversion rule.
E744 further discloses a business rules including at least one of a rating filter, a pricing rule, a category rule, and a platform conversion rule (e.g., price of pay per view

program, price for recording a program, rating information, or category information, etc. - see include, but are not limited to, figures 5, 15). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sim with the teaching as further taught by E744 in order to yield predictable result such as allowing user to select desired information easily.

Regarding claim 31, Sim discloses the method as discussed in the rejection of claim 25. Sim does not explicitly disclose customizing an electronic program guide (EPG).

E744 discloses customizing an EPG (see include, but are not limited to, paragraphs 0074, 0077, 0085). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sim with the teaching as further taught by E744 in order to allow user to select a desired program easily.

Regarding claim 32, Sim discloses the method as discussed in the rejection of claim 1.Sim further discloses using a browser to request content file (paragraph 0150). However, Sim does not explicitly disclose providing an interface to allow a user to view and analyze metadata and scheduling information associated with the content.

E744 discloses providing an interface to allow a user to view and analyzed metadata and scheduling information associated with the content (see include, but are not limited to, figures 6-8c, 18, 20a). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sim with the

teaching as further taught by E744 in order to allow user to select desired program easily.

Regarding claim 35, Sim discloses the method as discussed in the rejection of claim 25. Sim further discloses receiving a metadata locator corresponding to the content from the server (e.g., metadata including content ID, file name, etc. - see include, but are not limited to, paragraphs 0102, 0166-0167, 0172, 0188, 0209-0214);

receiving a schedule request from a server (see include, but are not limited to, paragraphs 0094-0096, 0204).

providing an asset locator to the server in response to the metadata locator, the server retrieving an element of the content from the content from a catcher using the asset locator (e.g., providing address, information, ID of the selected file to one of the distributing server and the distributing server retrieving an element of the requested file from a receiver of a distributing server using the address, or file ID – see include, but are not limited to, figures 5-8, paragraphs 0209-0213, 0231-0232, 0165-0167);

interacting with the server during transfer of the element of the content from the catcher (e.g., sending notification, ack, or usage information, etc. to the server during transfer of the element of the content from the receiver of one distribution server - see include, but are not limited to, paragraphs 0166-0167, 0204-0213, 0231-0232).

However, Sim does not explicitly disclose providing a customized or localized master schedule for the MSO to the server, the master schedule having an asset locator.

E744 discloses distributing a customized localized master schedule for the MSO to the server, the master schedule having an asset locator (distributing a customized program guide schedule to television distribution facility/node, and the program guide having asset locator such as channel source, time, etc. – see include, but are not limited to, figures 1-2c, paragraphs 0006-0007). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sim with the teaching as further taught by E744 in order to yield predictable results such as to allowing the user to select/schedule a program to be view easily.

Regarding claim 36, Sim in view of E744 discloses the method as discussed in the rejection of claim 35. Sim in view of E744 further discloses retransmitting the asset locator upon receiving an alarm from the server indicating that the asset locator is not received properly by the server (see include, but are not limited to, Sim: paragraphs 0166-0167, 0186-0191, 0204, 0209-0213, 0238).

Regarding claim 37, Sim in view of E744 discloses the method as discussed in the rejection of claim 35. Sim in view of E744 further discloses performing a follow up or diagnosis upon receiving an alarm from the server indicating that the element is not received properly by the server (see similar discussion in the rejection of claim 13).

7. Claims 41-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sim et al. (US 2002/0078174 A1) in view of Ellis et al. (US 2005/0283800A1 - hereinafter referred to as E800).

Note: all documents incorporate be references in E800 in their entirety are treated as portion of the specification of E800.

Regarding claim 41, the limitations of the system that correspond to the limitations of the method of claim 25 are analyzed as discussed in the rejection of claim 25, wherein the external layer to interface to an application client is interpreted as layer interface to application of content provider - see include, but are not limited to, figures 5, 7, paragraphs 0076, 0080, 0263-0269).
Sim also discloses a relational database to store the metadata (see include, but are not limited to, figures 7, 20).
Sim also discloses using API (paragraph 0032). However, Sim does not explicitly disclose a component programmatic application program interface (API) coupled to the external layer to interface to a plurality of engines.

E800 discloses API coupled to external layer to interface to a plurality of engines (see include, but is not limited to, figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sim with the teaching as taught by E800 in order to reduce codes for program application and/or allow user to enter data easily.

Regarding claim 42, Sim in view of E800 discloses the system as discussed in the rejection of claim 41. Sim in view of E800 further disclose a business objects engine (e.g, engine in CMS) to manage business rules associated with the content, the business rules being provided by the MSO (see include, but are not limited to, Sim: figure 5, 20, paragraphs 0186-0192, 0204-0214; E800: figure 2);

a package engine to manage packaging the content (see include, but are not limited to, Sim: figure 5, 20, paragraphs 0097, 0166-0167, 0186-0192, 0204-0214; E800: figure 2);

a scheduling engine to schedule deployment of the content (see include, but are not limited to, figure 5, 20, paragraphs 0094-0097, 0166-0167, 0186-0192, 0204-0214; E800: figures 2, 13, 15);

a platform converter engine to customize an electronic program guide (EPG) designated by the MSO (e.g., engine for sorting the EPG according to time, category, or user profile, etc. – see include, but are not limited to, figures 13, 15);

a localization engine to localize the content (e.g., component that locate content requested to be deleted or requested by the user - see include, but are not limited to, Sim: paragraphs 0166-0167; E800: figures 11-17).

Regarding claim 43, Sim in view of E800 discloses the system as discussed in the rejection of claim 41. E800 further discloses the external layer comprises a web service

API to facilitate communication with an application used by one of the MSO and the content provider (see include, but are not limited to, figure 2).

Regarding claim 44, Sim in view of E800 discloses the system as discussed in the rejection of claim 43. Sim in view of E800 further discloses the Web service API performs: registering the content (registering the content into CMS/DS, or television distribution facility, main facility, etc. – Sim: paragraphs 0076, 0086, 0094, 0166-0167; E800- figures 1-2);
receiving a confirmation call (e.g., "ack", notification, etc.) from one of a pitcher and a catcher regarding status of transfer of an element of the content (see include, but are not limited to, Sim: paragraphs 0094, 0204-0209);
receiving a schedule request from the server for a schedule to distribute or upload the content (see include, but are not limited to, Sim: paragraphs 0086, 0094, 0166-0167; E800: figures 2, 12-15).

Regarding claim 45, Sim in view of E800 discloses the system as discussed in the rejection of claim 44. Sim in view of E800 further discloses receiving a metadata request from the server for localized package metadata;
receiving a reporting call from the server to deliver usage report (see include, but are not limited to, E800: figures 2, 12-16; Sim: paragraphs 0094-0095; 0108-0111; 0186-0192; 0217, 0253, 0270-0271).

Regarding claim 46, the limitations that correspond to the limitations of claim 41 are analyzed as discussed in the rejection of claim 41. Sim in view of E800 further discloses a server (e.g., content provider, CMS, or DS, etc. - see include, but are not limited to, Sim: figures 5-6, 14-18);

a distribution network coupled to the server to distribute content provided by a content provider (see include, but are not limited to, Sim: figures 5-6, 14-18);

a content management system (e.g., CMS) coupled to the server and the distributing network (see include, but are not limited to, Sim: figures 5-6, 14-18).

Regarding claims 47-50, the additional limitations that correspond to the additional limitations of claims 42-45 are analyzed as discussed in the rejection of claims 42-45.

Regarding claim 51, Sim in view of E800 discloses the system as discussed in the rejection of claim 46. Sim in view of E800 further discloses a pitcher used by the content provider to transmit the content and the metadata to the MSO via a distribution channel (e.g., transmitter at the content provider or CMS for transmitting content file and file metadata to the distribution server/edge server via a distribution channel - see include, but are not limited to, Sim: figures 5-13, paragraphs 0108-0111, 0086-0094, 0209-0213);

a catcher used by the MSO to receive transmission from the pitcher via a downlink channel (e.g., receiver at the CMS or distribution server for receiving transmission from the content provider/CMS via a distribution channel that provide the

content and metadata - see include, but are not limited to, figures 5-13, paragraphs 0108-0111, 0086-0094, 0209-0213).

Regarding claim 52, Sim in view of E800 discloses the system as discussed in the rejection of claim 51. Sim does not explicitly disclose the distribution channel comprises a satellite uplink facility and a downlink channel comprises a satellite downlink facility. E800 further discloses distribution channel comprises a satellite uplink facility and a downlink channel comprises a downlink facility (see paragraph 0060). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Sim with the teaching as further taught by E800 in order to yield predictable results such as to provide video content faster.

Regarding claim 53, Sim in view of E800 discloses the system as discussed in the rejection of claim 51. Sim in view of E800 further discloses one of the pitcher and the catcher communications with the content management system via a network connection (see include, but are not limited to, Sim: figures 5-13, paragraphs 0108-0111, 0086-0094, 0209-0213).

Regarding claim 54, Sim in view of E800 discloses the system as discussed in the rejection of claim 51. Sim in view of E800 further discloses the catcher receives the content locally using one of a physical medium, a local network, and a terrestrial based

network (see include, but are not limited to, Sim: figures 5-13, paragraphs 0108-0111, 0086-0094, 0209-0213).

Regarding claim 55, Sim in view of E800 discloses the system as discussed in the rejection of claim 51. Sim in view of E800 further discloses the content is one of a VOD content, and asset data file, a broadcast content, and a network content (see include, but are not limited to, Sim: paragraphs 0080, 0115; E800: figure 2).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Thomas Huston et al. (US 2002/0007402) discloses approach for managing and providing content to users.

Thomas et al. (US 7,305, 696 B2) discloses three part architecture for digital television data broadcasting.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/ September 28, 2008
Primary Examiner, Art Unit 2623